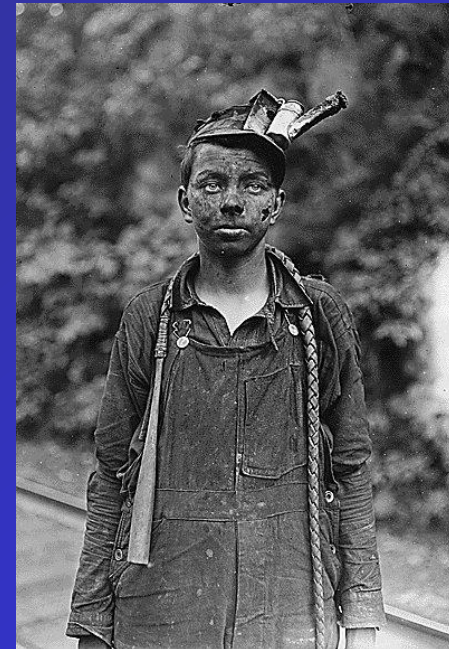


Indiana Department of Labor Bureau of Child Labor

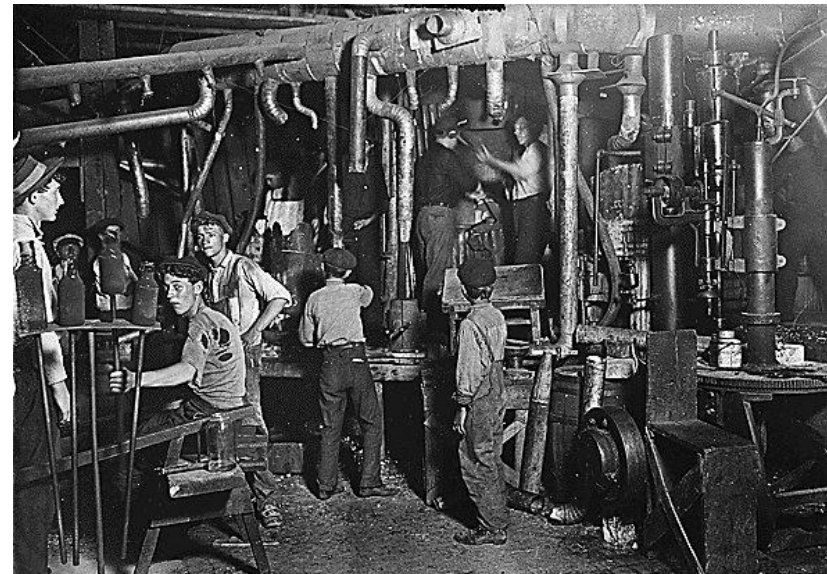
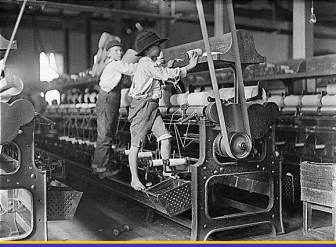


Presenter:
Kenneth Boucher
Director of Child Labor,
Training and Education



Topics of Discussion

- General Definitions and Recordkeeping
- Explanation of Violations
- Question and Answer/Additional Resources



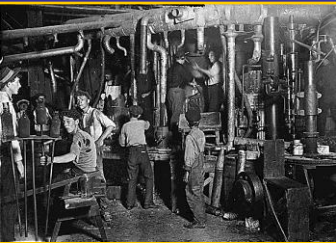
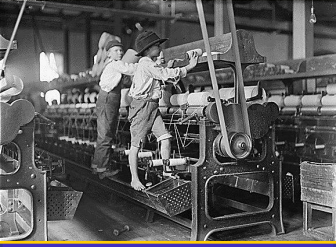
Historical photography of early child labor conditions by Lewis W. Hine (1874-1940). Borrowed, with permission, from www.historyplace.com.

Indiana's Child Labor Laws

Overview

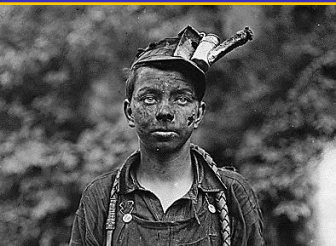
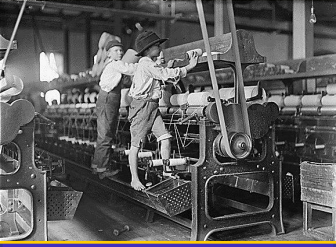
General Definitions

- Minor = Less than 18 and has not graduated from High School
- “School Day” = More than 4 hours of classroom instruction
- “School Week” = 3 or more school days
- “Non-school Week” = 2 or fewer school days



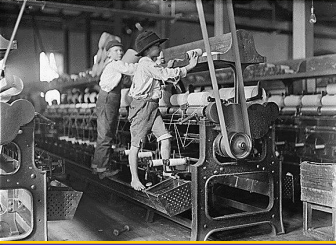
Record Keeping Requirements

- Employers must maintain records of days and hours worked for minors
 - Breaks and Lunches
 - Terminations
 - Parental Permission
 - Graduation or Withdrawal from High School
 - Employment Certificates (Work Permits)
- Most frequently cited violations are for poor or inaccurate recordkeeping



Inspection Authority

- IDOL may conduct inspections at any business in the state
 - Inspect records related to workers under 18
 - Examine work areas
 - Interview employees
- Inspections may be initiated
 - By Complaint
 - Randomly
 - Targeted based on employment data

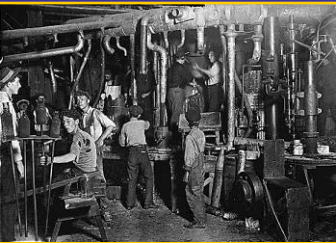
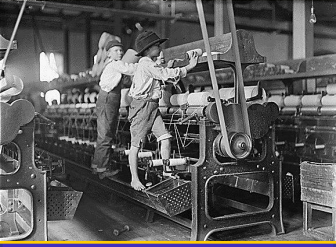


Child Labor Laws

Detailed Explanation

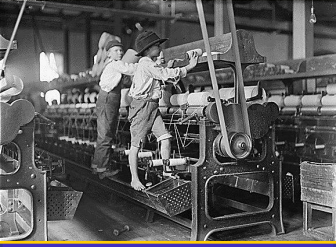
Work Permits

- Nearly all minors (14 through 17) in Indiana are required to obtain a work permit
 - Exceptions:
 - High School graduate
 - Parent is the sole proprietor of the business
 - Legally Emancipated
 - Performer, Actor or Model
- Home Schooled students can obtain Work Permits from Accredited High Schools



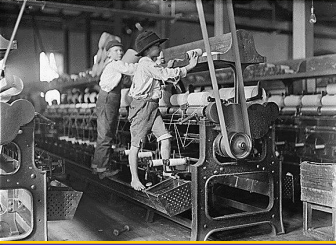
Employer's Requirements

- Intent to Employ / A1 Form
- Work Permit must be obtained before beginning work OR TRAINING
- Information on Work Permit must be accurate and up-to-date
- Work Permit must remain on file at the location of the minor's employment (i.e. park office or site office)
- Minors may obtain more than one work permit



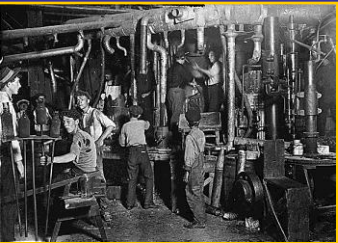
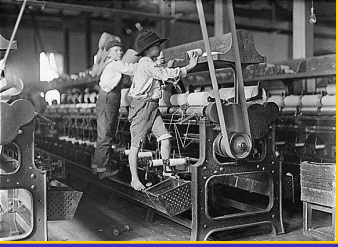
Child Labor Poster

- Indiana law requires that employers post notice
 - Maximum allowable hours per day
 - Hours beginning and ending each day
- Poster is developed and distributed by the Indiana Department of Labor
- Online at www.in.gov/dol/2366.htm
- Also available from third-party vendors



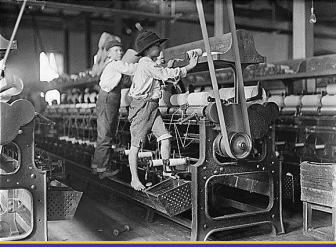
Employer's Requirements

- Teen Work Hours Restrictions poster **MUST** be displayed
- Must be in a conspicuous place in the business, or
- Where employee notices are customarily posted



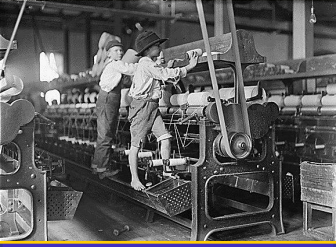
Termination notices

- Termination Notice = bottom half of the Work Permit
- Issuing Officer must be notified immediately and in writing
 - Mail
 - Hand-Deliver
 - Fax
- Do not delay on sending back Termination Notices



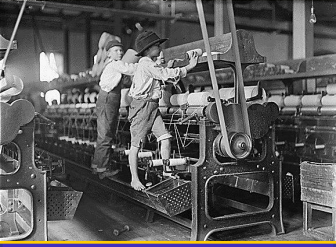
Hours of Work

- State and Federal laws mandate acceptable work hours for minors
- Hours vary based on minor's age
- Parental and/or school permission may allow minors to work extended hours
 - Must be in writing
 - Must be kept on file with the employee's records
 - IDOL provides a "Parental Permission Form"
 - Available online at www.in.gov/dol



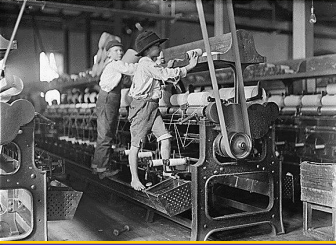
14 and 15 Year Olds May work

- 3 hours per school day
- 8 hours per non-school day
- 18 hours per school week
- 40 hours per non-school week
- No work before 7:00 am or after 7:00 pm
 - Exception
 - 9:00 pm from June 1 through Labor Day



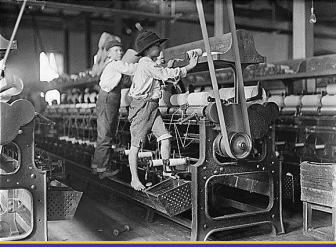
16 Year Olds May work

- 8 hours per school day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 am
- Until 10:00 pm on nights followed by a school day



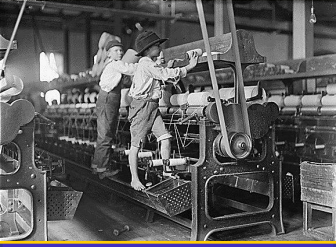
With Parental Permission, 16 Year Olds May work

- 9 hours per day
- 40 hours per school week
- 48 hours per non-school week
- Until 12:00 am on nights not followed by a school day



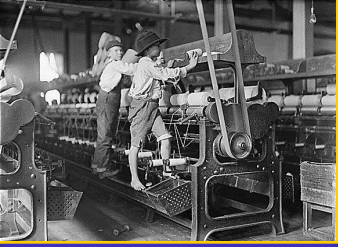
17 Year Olds May work

- 8 hours per school day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 am on school days
- Until 10:00 pm on nights followed by a school day



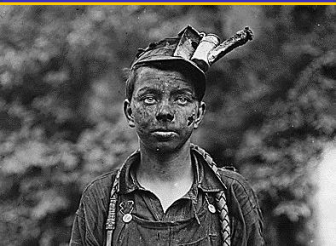
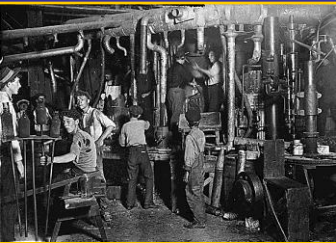
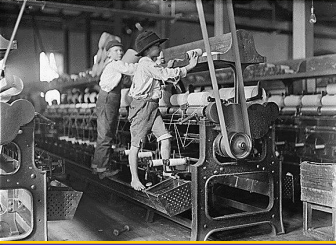
With Parental Permission, 17 Year Olds May work

- 9 hours per day
- 40 hours per school week
- 48 hours per non-school week
- Until 11:30 pm on nights followed by a school day
- Until 1:00 am on nights followed by a school day
 - Not consecutive nights
 - Not more than 2 school nights per week



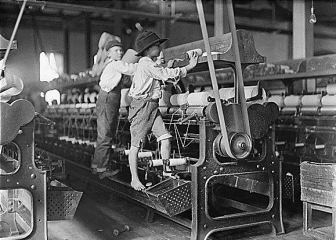
Employer's Requirements

- Keep track of school and parental permission forms
- Ensure minors are not working past hours defined in law
- Review with site managers, shift leaders, crew chiefs to make sure they are aware of the hour restrictions
- Instill in the minors how important it is to clock out on time and encourage them to speak up when they have a scheduling conflict



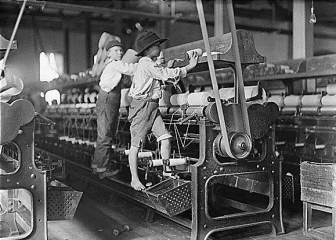
Prohibited/Hazardous occupations

- Minors are prohibited by law from working in hazardous occupations
- Hazardous occupations are defined by the federal Fair Labor Standards Act (FLSA)
- Vary based on age
- Information available online at: www.youthrules.dol.gov



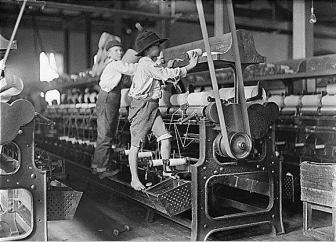
Prohibited/Hazardous Occupations

- 14 and 15 year olds may not perform
 - Baking
 - Work in or about boiler or engine rooms
 - Cooking over an open flame
 - Work in freezers or meat coolers
 - Loading or unloading goods on or off trucks, railcars or conveyors



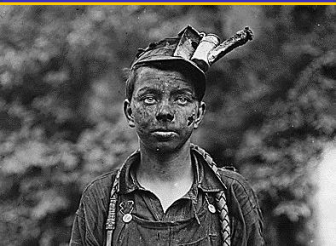
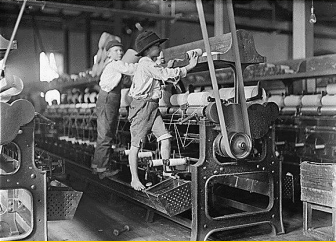
Prohibited/Hazardous Occupations

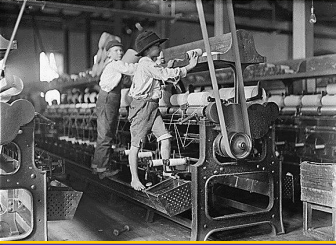
- 14 and 15 year olds may not perform
 - Meat/fish/poultry processing
 - Maintenance or repair of a building or its equipment
 - Outside window washing
 - Work standing on a window sill, ladder, scaffold or similar equipment
 - Warehouse work, except office and clerical work



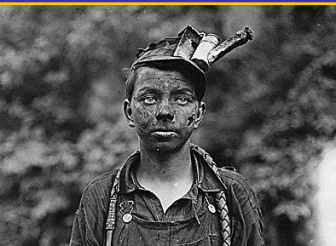
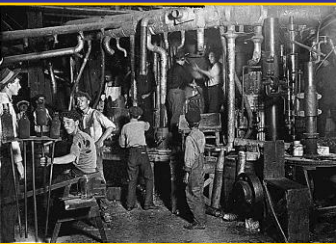
Prohibited/Hazardous Occupations

- 16 and 17 year olds may not
 - Operate or maintain powered woodworking or saw milling tools*
 - Chainsaws, circular saws, bandsaws
 - Operate or maintain power-driven hoisting machines
 - Cranes, forklifts, person lifts
 - Load or operate power-driven bailers or compactors*
 - Work on the roof of any building in any capacity*
 - Participate in the demolition or razing (total or partial) of any structure or ship





Prohibited/Hazardous Occupations

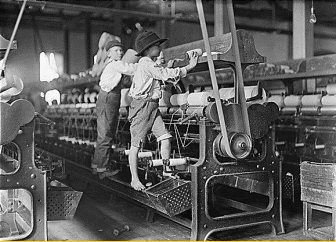


- 16 and 17 year olds may not
 - Work in areas where explosives are manufactured or stored
 - Perform mining
 - Be exposed to radioactive substances
 - Use power-driven bakery machines
 - Manufacture brick or tile
 - Use excavating equipment*
 - Process or pack meat
 - Use metal forming equipment*

* May be exempt if enrolled in a vocational program

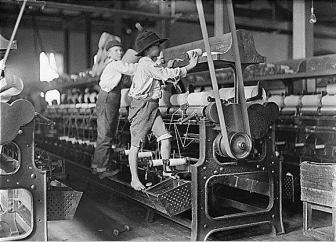
Prohibited/Hazardous Occupations

- Driving Restrictions
 - 16 year olds may not operate any motor vehicle on any public road or highway, or near any mining, logging or sawmilling operation
 - Cars, pickup trucks, motorcycles, vans, semis
 - 17 year olds may only drive under certain limited circumstances
 - Valid driver's license and no moving violations
 - Only in daylight hours
 - May not tow vehicles or transport goods/passengers for hire



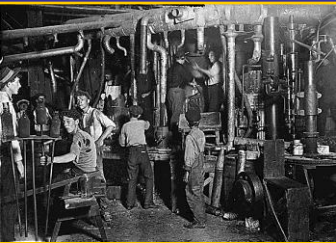
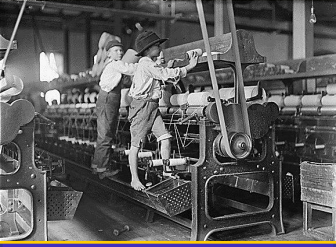
Employer's Requirements

- Make sure tasks minors perform are safe and not defined as prohibited
- Review with site managers, shift leaders, crew chiefs to make sure they are aware what tasks in your business would be considered “hazardous” or “prohibited”
- Double-check to ensure that minors are not “volunteering” to work in prohibited occupations



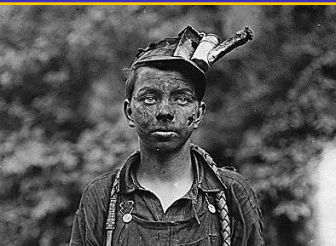
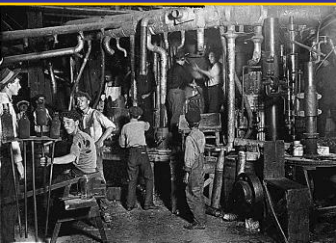
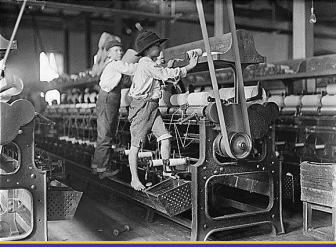
Work during a “School Day”

- Minors may not work during “school hours” from 7:30 am to 3:30 pm on a school day
 - Exceptions
 - May work during “school hours” with written school permission
 - All minors working as actors, performers or photographic models



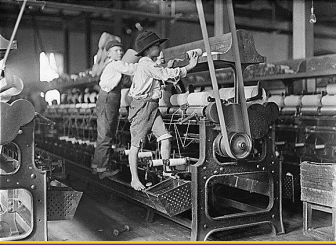
Employer's Requirements

- Request permission from the minor's school before scheduling during daytime hours
- If the minor is home-schooled, the parent may provide the permission
- Maintain school permission with minor employee's file
- Do not allow minors to volunteer to work restricted hours without school permission



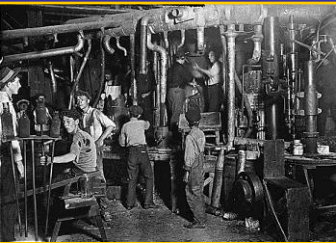
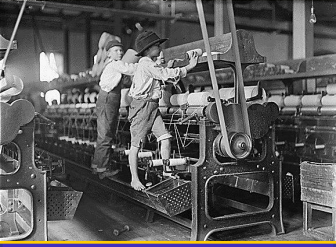
Breaks and Lunches

- *The most frequently cited penalty!*
- Minors under 18 must receive 1 or 2 breaks totaling at least 30 minutes if working six or more hours
 - Exceptions:
 - Minors withdrawn from school
 - High School/Equivalency Graduates
 - Under 14 working as farm laborer, domestic worker, golf caddie or newspaper carrier
 - Legally emancipated
 - Parent employing own child



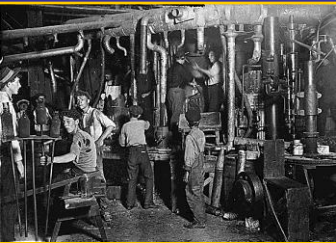
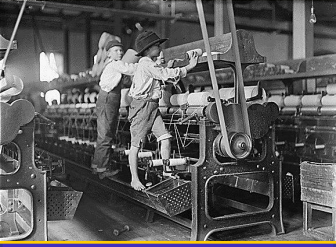
Breaks and Lunches

- Indiana Administrative Code 610 IAC 10-3-2 requires employers to maintain a break log for minor employees
- Breaks must be documented whether paid or unpaid
- Break logs are subject to inspection by the IDOL



Employer's Requirements

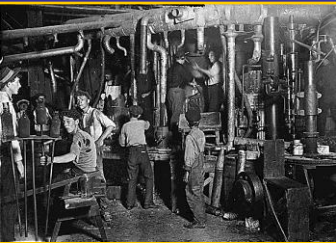
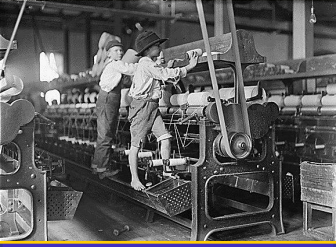
- Communicate the break policy clearly to the minor at the time of hire
- Policy must be provided in writing
- Maintain a break log or otherwise note breaks in time punches
- Make sure that break logs are maintained constantly and are readily available to the inspector
- Document, document, document!



Civil Penalties

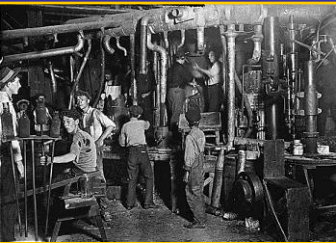
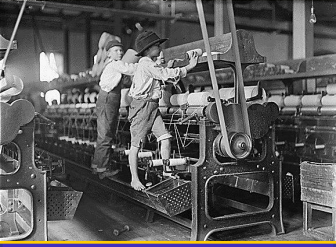
Penalty Structure

- Amount of Civil Penalties changes based upon the type of violation
- Each separate instance is considered a violation
- Penalty amounts increase based on recurrences from inspection to inspection
- 9 different violations – “A” through “I”



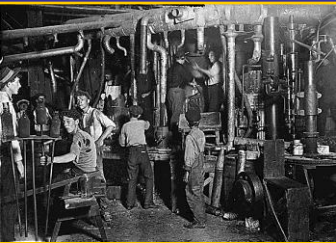
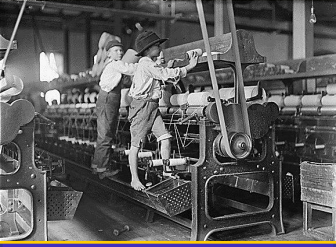
9 Types of Violations

- A. Minors without Work Permits
- B. Poster not displayed
- C. Termination notice not returned
- D. Hour Violation: Less than 30 mins.



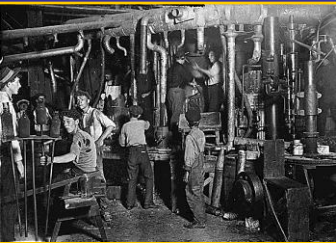
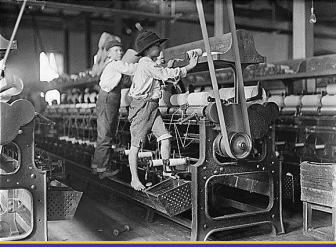
Penalty Structure for Violations: A, B, C and D

- First Violation = Warning
- Second Violation = \$50 per instance
- Third Violation = \$75 per instance
- Fourth+ Violation = \$100 per instance



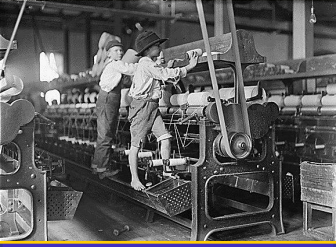
9 Types of Violations

- A. Minors without Work Permits
- B. Poster not displayed
- C. Termination notice not returned
- D. Hour Violation: Less than 30 mins.
- E. Hour Violation: More than 30 mins.
- F. Prohibited / Hazardous occupations
- G. Under 14 years of age / illegal entertainment
- H. After 7:30am/before 3:30pm on school day
- I. Six or more hours without a break



Penalty Structure for Violations: E, F, G, H and I

- First Violation = Warning
- Second Violation = \$100 per instance
- Third Violation = \$200 per instance
- Fourth+ Violation = \$400 per instance



Questions and Answers/ Additional Resources

Resources

- IDOL
 - Phone: (317) 232-2655
 - Fax: (317) 234-4449
 - Email: childlabor@dol.in.gov
 - Website: www.in.gov/dol
- USDOL
 - Phone: (866) 4-USWAGE
 - Website: www.youthrules.dol.gov

